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OFFICE OF PETITIONS
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In re Application of
Chi Fai Ho et al.
Application No. 09/385,795
Filed: August 30, 1999
Attorney Docket No.

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ON PETITION

This is a decision on the petitions under 37 CFR 1.137(b) and 37 CFR 1.28(b), filed July 10, 2001, to revive the above-identified application and requesting that status as a Small entity be removed.

The petitions are **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 10, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 11, 2000.

In accordance with the July 10, 2001 request, status as a Small Entity has been removed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$695 extension of time submitted with the petition on January 2, 2001 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center
3700.

A handwritten signature in dark ink, appearing to read "Wan Laymon". The signature is fluid and cursive, with the first name "Wan" and last name "Laymon" clearly distinguishable.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy